

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7631

SHERMAN O. DAVIS,

Plaintiff - Appellant,

versus

HAPPY SMITH,

Defendant - Appellee.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. Jackson L. Kiser, Senior
District Judge. (CA-03-425-7)

Submitted: February 28, 2005

Decided: March 17, 2005

Before NIEMEYER, LUTTIG, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Sherman O. Davis, Appellant Pro Se. Rosalie Pemberton Fessier,
TIMBERLAKE, SMITH, THOMAS & MOSES, P.C., Staunton, Virginia, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Sherman O. Davis appeals the district court's orders denying relief on his claims under 42 U.S.C. § 1983 (2000) and denying his motion for appointment of counsel. We have reviewed the record and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See Davis v. Smith, No. CA-03-425-7 (W.D. Va. Oct. 31, 2003; filed Sept. 13, 2004, entered Sept. 15, 2004). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED